

**Final Initial Study and Negative Declaration
(Response to Comments and Final Revisions/Errata)
Health Care Facility Improvement Project
for the
Richard J. Donovan Correctional Facility
San Diego County, California**

Prepared for:



California Department of Corrections and Rehabilitation
Facility Planning, Construction and Management
9838 Old Placerville Road, Suite B
Sacramento, CA 95827

Contact: Roxanne Henriquez, Senior Environmental Planner

Prepared by:

Michael Brandman Associates
2000 "O" Street, Suite 200
Sacramento, CA 95811



Michael Brandman Associates

May 22, 2013

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SECTION 1: INTRODUCTION

In accordance with Section 15088 of the State of California Environmental Quality Act (CEQA) Guidelines, the California Department of Corrections and Rehabilitation (CDCR), as the lead agency, has evaluated the comments received on the Health Care Facility Improvement Project for the Richard J. Donovan (RJD) Correctional Facility Initial Study and Proposed Negative Declaration (IS/Proposed ND). The responses to the comments and errata, which are included in this document, comprise the Final IS/ND for use by CDCR in its review.

This Response to Comments document is organized into these sections:

- **Section 1** – Introduction
- **Section 2** – Response to Comments: Provides a list of the agencies, organizations, and individuals that commented on the Initial Study. Includes a copy of all letters received regarding the IS/Proposed ND and provides responses to comments included in those letters.
- **Section 3** –Errata: Includes an addendum listing refinements and clarifications, which have been incorporated.

Because of its length, the text of the IS/Proposed ND is not included with these written responses. However, it is included by reference in this Final IS/ND. None of the corrections or clarifications to the Initial Study identified in this document constitute “significant new information” pursuant to Section 15088.5 of the CEQA Guidelines. As a result, a recirculation of the Initial Study is not required.

SECTION 2: RESPONSES TO COMMENTS

2.1 - List of Authors

A list of public agencies and private organizations that provided comments on the Health Care Facility Improvement Project for the Richard J. Donovan (RJD) Correctional Facility Initial Study and Proposed Negative Declaration (IS/Proposed ND) is presented below. Each comment has been assigned a code. Individual comments within each communication have been numbered so comments can be cross-referenced with responses. Following this list, the text of the communication is reprinted and followed by the corresponding responses.

Author

Author Code

State Agencies

Department of Toxic Substances Control..... DTSC
Governor’s Office of Planning and Research, State Clearinghouse and Planning Unit..... OPR

Local Agencies

San Diego County Regional Airport Authority – Airport Land Use Commission..... ALUC

Individuals

David Wick.....WICK

2.2 - Responses to Comments

2.2.1 - Introduction

In accordance with the California Environmental Quality Act (CEQA) Guidelines Section 15088, the California Department of Corrections and Rehabilitation (CDCR), as the lead agency, evaluated the written comments received on the IS/Proposed ND (State Clearinghouse No. 2013041065) for the Health Care Facility Improvement Project for the Richard J. Donovan Correctional Facility (proposed project) and has prepared the following responses to the comments received. The responses to the comments and errata, which are included in this document, comprise the Final IS/ND for use by CDCR in its review.

The comment letters reproduced in the following pages follow the same organization as used in the List of Commenters.



Matthew Rodriguez
Secretary for
Environmental Protection



Department of Toxic Substances Control

Deborah O. Raphael, Director
5796 Corporate Avenue
Cypress, California 90630



Edmund G. Brown Jr.
Governor

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May 7, 2013

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Ms. Roxanne Henriquez, Senior Environmental Planner
Environmental Planning Section
Facility Planning, Construction and Management
California Department of Corrections and Rehabilitation
9838 Old Placerville Road, Suite B
Sacramento, California 95827

NOTICE OF INTENT TO ADOPT A NEGATIVE DECLARATION FOR THE HEALTH
CARE FACILITY IMPROVEMENT PROJECT FOR THE RICHARD J. DONOVAN (RJD)
CORRECTIONAL FACILITY, (SCH#2013041065), SAN DIEGO COUNTY,
CALIFORNIA

Dear Ms. Henriquez:

The Department of Toxic Substances Control (DTSC) has received your submitted Initial Study (IS) and the proposed Negative Declaration (ND) for the above-mentioned project. The following project description is stated in your document:

"The proposed project includes renovations and additions to existing health care facilities, the construction of small new facilities, and associated infrastructures improvements, all within developed area of Richard J. Donovan (RJD). The project would include minor upgrades to the existing electrical system to serve the new and expanded buildings. RJD consists of approximately 763,000 square feet of building area on an approximately 150-acre portion of 780 acres under California Department of Corrections and Rehabilitation (CDCR) jurisdiction, located southeast of the City of San Diego at 480 Alta Road, in San Diego County, California. RJD is surrounded by undeveloped land. RJD is designated Public and Semi-Public Facility by the San Diego County General Plan and as Holding Area by the San Diego County Zoning Ordinance. The project site historically consists of undeveloped land and agricultural uses prior to the construction of RJD in 1987."

Ms. Roxanne Henriquez
May 7, 2013
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Based on the review of the submitted document DTSC has the following comments:

- 1) Since the northwestern corner of RJD and areas northwest of the project site are located within the boundaries of the former Brown Field Bombing Range, also identified as the Otay Mesa Bombing Range, the Otay Bombing Target, or Otay Bombing Target #32, the proposed ND should evaluate whether conditions within the Project area may pose a threat to human health or the environment. Following are the databases of some of the regulatory agencies:
 - National Priorities List (NPL): A list maintained by the United States Environmental Protection Agency (U.S.EPA).
 - EnviroStor (formerly CalSites): A Database primarily used by the California Department of Toxic Substances Control, accessible through DTSC's website (see below).
 - Resource Conservation and Recovery Information System (RCRIS): A database of RCRA facilities that is maintained by U.S. EPA.
 - Comprehensive Environmental Response Compensation and Liability Information System (CERCLIS): A database of CERCLA sites that is maintained by U.S.EPA.
 - Solid Waste Information System (SWIS): A database provided by the California Integrated Waste Management Board which consists of both open as well as closed and inactive solid waste disposal facilities and transfer stations.
 - GeoTracker: A List that is maintained by Regional Water Quality Control Boards.
 - Local Counties and Cities maintain lists for hazardous substances cleanup sites and leaking underground storage tanks.
 - The United States Army Corps of Engineers, 911 Wilshire Boulevard, Los Angeles, California, 90017, (213) 452-3908, maintains a list of Formerly Used Defense Sites (FUDS).
- 2) The ND should identify the mechanism to initiate any required investigation and/or remediation for any site within the proposed Project area that may be contaminated, and the government agency to provide appropriate regulatory oversight. If necessary, DTSC would require an oversight agreement in order to review such documents.
- 3) Any environmental investigations, sampling and/or remediation for a site should be conducted under a Workplan approved and overseen by a regulatory agency that has jurisdiction to oversee hazardous substance cleanup. The

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- findings of any investigations, including any Phase I or II Environmental Site Assessment Investigations should be summarized in the document. All sampling results in which hazardous substances were found above regulatory standards should be clearly summarized in a table. All closure, certification or remediation approval reports by regulatory agencies should be included in the ND.
- 4) If buildings, other structures, asphalt or concrete-paved surface areas are being planned to be demolished, an investigation should also be conducted for the presence of other hazardous chemicals, mercury, and asbestos containing materials (ACMs). If other hazardous chemicals, lead-based paints (LPB) or products, mercury or ACMs are identified, proper precautions should be taken during demolition activities. Additionally, the contaminants should be remediated in compliance with California environmental regulations and policies.
 - 5) Project construction may require soil excavation or filling in certain areas. Sampling may be required. If soil is contaminated, it must be properly disposed and not simply placed in another location onsite. Land Disposal Restrictions (LDRs) may be applicable to such soils. Also, if the project proposes to import soil to backfill the areas excavated, sampling should be conducted to ensure that the imported soil is free of contamination.
 - 6) If the project area was used for agricultural, livestock or related activities; onsite soils and groundwater might contain pesticides, agricultural chemical, organic waste or other related residue. Proper investigation, and remedial actions, if necessary, should be conducted under the oversight of and approved by a government agency at the site prior to construction of the project.
 - 7) Human health and the environment of sensitive receptors should be protected during the field activities. If necessary, a health risk assessment overseen and approved by the appropriate government agency should be conducted by a qualified health risk assessor to determine if there are, have been, or will be, any releases of hazardous materials that may pose a risk to human health or the environment.
 - 8) If it is determined that hazardous wastes are, or will be, generated by the proposed operations, the wastes must be managed in accordance with the California Hazardous Waste Control Law (California Health and Safety Code, Division 20, Chapter 6.5) and the Hazardous Waste Control Regulations (California Code of Regulations, Title 22, Division 4.5). If it is determined that hazardous wastes will be generated, the facility should also obtain a United States Environmental Protection Agency Identification Number by contacting (800) 618-6942. Certain hazardous waste treatment processes or hazardous materials, handling, storage or uses may require authorization from the local Certified Unified Program Agency (CUPA). Information about the requirement for authorization can be obtained by contacting your local CUPA.

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- 9) DTSC can provide cleanup oversight through an Environmental Oversight Agreement (EOA) for government agencies that are not responsible parties, or a Voluntary Cleanup Agreement (VCA) for private parties. For additional information on the EOA or VCA, please see www.dtsc.ca.gov/SiteCleanup/Brownfields, or contact Ms. Maryam Tasnif-Abbasi, DTSC's Voluntary Cleanup Coordinator, at (714) 484-5489.

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If you have any questions regarding this letter, please contact Rafiq Ahmed, Project Manager, by e-mail at rahmed@dtsc.ca.gov, or by phone at (714) 484-5491.

Sincerely,



Rafiq Ahmed
Project Manager
Brownfields and Environmental Restoration Program

cc: Governor's Office of Planning and Research
State Clearinghouse
P.O. Box 3044
Sacramento, California 95812-3044
state.clearinghouse@opr.ca.gov

CEQA Tracking Center
Department of Toxic Substances Control
Office of Environmental Planning and Analysis
P.O. Box 806
Sacramento, California 95812
Attn: Nancy Ritter
nritter@dtsc.ca.gov

CEQA # 3756

State Agencies

Department of Toxic Substances Control (DTSC)

Response to DTSC-1

The commenter stated that because the northwestern corner of RJD is located within the boundaries of the former Brown Field Bombing Range, the IS/Proposed ND should evaluate whether conditions within the project area may pose a threat to human health or the environment.

As noted by the commenter, page 81 of the IS/Proposed ND identifies that the northwestern portion of the project site is located within an area identified as the former Brown Field Bombing Range. The IS/Proposed ND summarizes a Site Inspection report conducted in 2007 for the Brown Field Bombing Range prepared for the U.S. Army Corps of Engineers. The Site Inspection concluded that explosives were not detected in any soil samples and that, while munitions constituents (aluminum, copper, iron, lead, potassium, manganese, and zinc) were present in the soil samples, a Screening Level Risk Assessment indicated that the bombing range did not pose an unacceptable risk to human health resulting from exposure to such munitions constituents present in the surface soils.

Furthermore, as stated on page 85 of the IS/Proposed ND, the proposed project's components would be constructed within the existing institution where soils have been previously disturbed and where no signs of munitions or munitions contamination have been reported. Page 85 of the IS/Proposed ND also states that a qualified hazardous materials professional (as defined by the Environmental Protection Agency's [EPA's] All Appropriate Inquiries Rule) conducted a site visit on March 18, 2013 and did not identify any potentially hazardous materials or conditions within the areas to be disturbed by the proposed project. Interviews with institution operational staff further confirmed that no potentially hazardous conditions exist onsite. As such, the potential for conditions of the former Brown Field Bombing Range to pose a threat to human health or the environment has been evaluated and, as concluded in the IS/Proposed ND, impacts would be less than significant.

Response to DTSC-2

The commenter stated that the IS/Proposed ND should identify the mechanism to initiate any required investigation and/or remediation for any area within the project site that may be contaminated, and the government agency to provide appropriate regulatory oversight. The commenter indicated that, if necessary, the DTSC would require an oversight agreement to review such documents.

As stated on page 82 of the IS/Proposed ND, construction and operation of the proposed project would comply with applicable federal, state, and local laws pertaining to the safe handling and transport of hazardous materials, including the California Division of Occupational Safety and Health Administration (Cal OSHA) and the California Hazardous Materials Release Response Plans and Inventory Law of 1985 (Business Act Plan). State and federal laws require detailed planning to ensure that hazardous materials are properly transported, handled, used, stored, and disposed of, and in the event that such materials are accidentally released, to prevent or to mitigate injury to health or the environment. Furthermore, should any hazardous substances be encountered during construction

of the proposed project, CDCR and its contractors would abide by applicable regulations governing the type of hazardous substances encountered.

Response to DTSC-3

The commenter indicated that an environmental investigation, sampling, and/or remediation for the site should be conducted, should hazardous substances be present and require remediation. The commenter requested that any findings resulting from the environmental investigation, including any Phase I or Phase II Environmental Site Assessment Investigations should be summarized in the IS/Proposed ND. The commenter requested that any hazardous materials sampling results exceeding regulatory standards be summarized in a table and that all closure, certification, or remediation approval reports also be included.

No Phase I or Phase II Environmental Site Assessment was completed in connection with the proposed project. As indicated by the 2007 Site Investigation referenced in the IS/Proposed ND, no evidence of munitions is present and the bombing range does not pose an unacceptable risk to human health resulting from exposure to munitions constituents in the surface soils. Furthermore, as stated on page 85 of the IS/Proposed ND, a qualified hazardous materials professional (as defined by the Environmental Protection Agency's (EPA's) All Appropriate Inquiries Rule) conducted a site visit on March 18, 2013 and did not identify any potentially hazardous materials or conditions within the areas to be disturbed by the proposed project.

Response to DTSC-4

The commenter stated that if buildings, other structures, asphalt, or concrete-paved surfaces are to be demolished, an investigation should be conducted for the presence of other hazardous chemicals, lead-based paints or products, mercury, and asbestos containing materials (ACMs). If such substances are identified, the commenter indicated that proper precautions should be taken during demolition activities and the contaminates should be remediated in compliance with applicable regulations and policies.

The proposed project would involve the demolition of portions of buildings, asphalt, or concrete-paved surfaces. However, as noted on page 84 of the IS/Proposed ND, because the existing institution was constructed in 1987, it is unlikely that building materials contain hazardous substances, such as asbestos and lead, once commonly used in building construction. Nonetheless, as a standard component of pre-construction practices, CDCR's architectural consultant would employ a licensed hazardous materials specialist to conduct a focused survey within existing areas identified for construction activities. Should hazardous substances be present CDCR's Environmental Compliance Section is responsible for ensuring CDCR's compliance with applicable regulations including the U.S. Environmental Protection Agency (EPA), DTSC, Occupational Safety and Health Administration (OSHA), and the County of San Diego Air Pollution Control District's applicable requirements for handling hazardous materials. Furthermore, if hazardous building materials are identified, the hazardous material specialist would prepare a hazardous materials safety plan,

consistent with the requirements of the EPA, DTSC, OSHA and the Air District to ensure construction worker safety and reduce impacts to the environment associated with release of these materials.

Response to DTSC-5

The commenter stated that soil sampling may be required in areas of soil excavation or filling and if soil is contaminated it must be properly disposed of and such soils may be subject to Land Disposal Restrictions. Further, if soils are imported to backfill excavated areas, sampling should be conducted to ensure imported soils are free of contamination.

Should the proposed project require any soil disposal or import, all soils would be properly handled in accordance with applicable federal, state, and local regulations, including Land Disposal Restrictions.

Response to DTSC-6

The commenter stated that if the project site was formerly used for agricultural purposes, onsite soils and groundwater could contain pesticides, agricultural chemicals, organic waste, or other related residue. The commenter indicated that proper investigation and, if necessary, remedial actions should be conducted in accordance with applicable regulations prior to construction of the project.

As stated on page 79 of the IS/Proposed ND, the project site historically consisted of undeveloped land and agricultural uses (cattle or other stock) prior to the construction of RJD in 1987. Furthermore, page 86 of the IS/Proposed ND indicates no water was available to the project site prior to development of RJD and therefore it is highly unlikely that the site was used for crop production. As such, it is unlikely that significant amounts of pesticide or fertilizers used for agricultural crop production were applied to the land and it is unlikely that onsite soils and groundwater could contain significant amounts of agricultural related chemicals that could pose a threat to the proposed project. Furthermore, the proposed project would be located within the existing developed areas of RJD where soils have previously been disturbed, and no evidence of such chemicals has been reported.

Response to DTSC-7

The commenter stated that, if necessary, a health risk assessment should be conducted to determine if there are, have been, or will be, any releases of hazardous materials that may pose a risk to human health or the environment.

As discussed on pages 82 through 85 of the IS/Proposed ND, the proposed project would not be expected to result in the release of hazardous materials that may pose a risk to human health or the environment. While hazardous materials would be used during construction, the use would be temporary and in accordance with regulations. Operation of the proposed project would also be consistent with regulations regarding hazardous materials including medical wastes. Based on the nature of the hazardous materials that would be used, stored, and/or disposed of during construction (e.g., diesel-fueled equipment, asphalt) and operation (e.g., medical waste) of the proposed project, it

Responses to Comments

is unlikely that upset and accident conditions involving the release of hazardous materials into the environment would occur. Furthermore, as addressed in Section 3, Air Quality, on page 51 of the IS/Proposed ND, operation of the proposed project would not expose sensitive receptors to airborne pollutant concentration. Construction of the proposed project would result in temporary emissions of diesel particulate matter from construction equipment but would not result in a significant impact to sensitive receptors. As such, a health risk assessment is not necessary.

Response to DTSC-8

The commenter stated that if hazardous wastes are, or will be, generated by the proposed project operations, the wastes must be managed in accordance with the California Hazardous Waste Control Law (California Health and Safety Code, Division 20, Chapter 6.5) and the Hazardous Waste Control Regulations (California Code of Regulations, Title 22, Division 4.5). Further, the institution would be required to obtain a United States Environmental Protection Agency Identification Number, and the use, storage, or disposal of certain hazardous wastes may require authorization from the local Certified Unified Program Agency (CUPA).

As discussed on page 82 and 83 of the IS/Proposed ND, medical facility operations, such as those included in the proposed project, typically involve the transport, storage, and use of relatively small quantities of materials that would be classified as hazardous. State and federal laws require detailed planning to ensure that hazardous materials are properly transported, handled, used, stored, and disposed of, and in the event that such materials are accidentally released, to prevent or to mitigate injury to health or the environment. The California Department of Public Health's Medical Waste Management Act governs the management of medical waste to prevent the dissemination of potentially infectious organisms and the spread of infection to others within the medical center and in the community. CUPAs are responsible for local regulation and enforcement of hazardous materials laws and regulations. The Hazardous Materials Division of San Diego's Department of Environmental Health serves as the County's CUPA. Additionally, the County of San Diego's Department of Environmental Health is the Local Enforcement Agency for the California Integrated Waste Management Board and ensures the correct operation of local solid waste facilities, including the Otay Landfill where RJD disposes its solid waste. The proposed project is in compliance with and would continue to comply with all applicable hazardous waste regulations.

Response to DTSC-9

The commenter stated that the DTSC could provide cleanup oversight through an Environmental Oversight Agreement if necessary.

Hazardous material or waste remediation is not determined to be necessary for the proposed project at this time. As such, an Environmental Oversight Agreement is not necessary.



Edmund G. Brown Jr.
Governor

STATE OF CALIFORNIA
Governor's Office of Planning and Research
State Clearinghouse and Planning Unit



Ken Alex
Director

May 8, 2013

OPR
Page 1 of 3

Roxanne Henriquez
California Department of Corrections and Rehabilitation
9838 Old Placerville Road, Suite B
Sacramento, CA 95827

Subject: Health Care Facility Improvement Project for the Richard J. Donovan Correctional Facility
SCH#: 2013041065

Dear Roxanne Henriquez:

The State Clearinghouse submitted the above named Negative Declaration to selected state agencies for review. On the enclosed Document Details Report please note that the Clearinghouse has listed the state agencies that reviewed your document. The review period closed on May 7, 2013, and the comments from the responding agency (ies) is (are) enclosed. If this comment package is not in order, please notify the State Clearinghouse immediately. Please refer to the project's ten-digit State Clearinghouse number in future correspondence so that we may respond promptly.

Please note that Section 21104(c) of the California Public Resources Code states that:

"A responsible or other public agency shall only make substantive comments regarding those activities involved in a project which are within an area of expertise of the agency or which are required to be carried out or approved by the agency. Those comments shall be supported by specific documentation."

These comments are forwarded for use in preparing your final environmental document. Should you need more information or clarification of the enclosed comments, we recommend that you contact the commenting agency directly.

This letter acknowledges that you have complied with the State Clearinghouse review requirements for draft environmental documents, pursuant to the California Environmental Quality Act. Please contact the State Clearinghouse at (916) 445-0613 if you have any questions regarding the environmental review process.

Sincerely,

Scott Morgan
Director, State Clearinghouse

Enclosures

cc: Resources Agency

1400 TENTH STREET P.O. BOX 3044 SACRAMENTO, CALIFORNIA 95812-3044
TEL (916) 445-0613 FAX (916) 323-3018 www.opr.ca.gov

OPR
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Document Details Report
State Clearinghouse Data Base

SCH# 2013041065
Project Title Health Care Facility Improvement Project for the Richard J. Donovan Correctional Facility
Lead Agency Corrections and Rehabilitation, Department of

Type Neg Negative Declaration
Description Note: Shorten Review

The proposed project includes renovations and additions to existing health care facilities, the construction of small new facilities, and associated infrastructure improvements all within the existing Richard J. Donovan (RJD) Correctional Facility. The project includes construction of a new primary care and mental health Clinic, a new pharmacy, and a new health care administration building totaling approximately 20,000 sf of new building space. The project also includes interior renovations (approximately 13,000 sf) and additions (approximately 9,000 sf) for medication rooms, a primary care clinic, and central health services. All buildings would be one-story and consistent with the existing facility. No new inmate beds would be provided and inmate capacity would not increase. One additional employee would be hired.

Lead Agency Contact

Name Roxanne Henriquez
Agency California Department of Corrections and Rehabilitation
Phone 916 255 3010
email
Address 9838 Old Placerville Road, Suite B
City Sacramento
Fax
State CA **Zip** 95827

Project Location

County San Diego
City San Diego, Chula Vista
Region
Lat / Long 32° 35' 46" N / 116° 56' 20" W
Cross Streets Alta Road and Donovan State Prison Road
Parcel No. 6460402000
Township

Range **Section** **Base**

Proximity to:

Highways SR 125; 905
Airports Brown Field Muni Airport
Railways
Waterways Otay River
Schools
Land Use PLU: Correctional facility
Z: Holding Area
GPD: Public and Semi-Public Facility

Project Issues Aesthetic/Visual; Agricultural Land; Air Quality; Archaeologic-Historic; Biological Resources; Drainage/Absorption; Flood Plain/Flooding; Forest Land/Fire Hazard; Geologic/Seismic; Minerals; Noise; Population/Housing Balance; Public Services; Recreation/Parks; Septic System; Sewer Capacity; Soil Erosion/Compaction/Grading; Solid Waste; Toxic/Hazardous; Traffic/Circulation; Vegetation; Water Quality; Water Supply; Growth Inducing; Landuse; Cumulative Effects

Reviewing Agencies Resources Agency; Department of Fish and Wildlife, Region 5; Office of Historic Preservation; Department of Parks and Recreation; Department of Water Resources; Caltrans, Division of Aeronautics; California Highway Patrol; Caltrans, District 11; Regional Water Quality Control Board, Region 9; Department of Toxic Substances Control; Native American Heritage Commission

Document Details Report
State Clearinghouse Data Base

OPR
Page 3 of 3

Date Received 04/18/2013

Start of Review 04/18/2013

End of Review 05/07/2013

State Agencies

Governor's Office of Planning and Research, State Clearinghouse and Planning Unit (OPR)

Response to OPR-1

The comment letter is the standard form letter issued by the Office of Planning and Research, State Clearinghouse and Planning Unit confirming that the IS/Proposed ND was distributed to various state agencies, and that CDCR has complied with statutory noticing obligations. No further response is necessary. In addition, the letter forwarded the comment letter from DTSC. Responses to DTSC are provided in Response to DTSC-1 through Response to DTSC-9.

From: Gowens Ed [mailto:egowens@san.org]
Sent: Friday, April 19, 2013 3:35 PM
To: Henriquez, Roxanne@CDCR
Subject: Donovan Correction Facility Health Care Facility Improvement Project ND

Dear Ms Henriquez:

As the Airport Land Use Commission for San Diego county, our agency appreciates being provided a copy of the proposed Negative Declaration and Initial Study for this project.

We concur with the assessment that this project has no aviation impacts, but note one clarifying correction in the references to the Brown Field Municipal Airport - Airport Land Use Compatibility Plan (ALUCP). On page 85, under the Initial Study describing Hazards, the ALUCP is referenced as having been adopted in 1981 and amended in 2010. In actuality, a CLUP (Comprehensive Land Use Plan) for Brown Field was adopted in 1981 and amended in 2004 (to substitute 'ALUCP' for its title, in place of 'CLUP'). That plan was entirely replaced (completely different policies and formatting) by a new ALUCP adopted and later amended both in 2010. Thus, as the superseded CLUP/ALUCP is not relevant, it would be accurate to reference only the ALUCP as adopted and amended in 2010.

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Thanks again for including our agency in the distribution of this document.

Regards,

Ed Gowens
Airport Land Use Commission
San Diego County Regional Airport Authority *
Post Office Box 82776
San Diego, California 92138-2776
voice (619) 400-2244
fax (619) 400-2459

All correspondence with this email address is a matter of public record subject to third party review.

Is it worth a tree to print me? P

Local Agencies

San Diego County Regional Airport Authority – Airport Land Use Commission (ALUC)

Response to ALUC-1

The commenter indicated concurrence with the IS/Proposed ND's conclusion that the proposed project would have no aviation impacts. The commenter provided clarifying information indicating that the Brown Field Municipal Airport's Airport Land Use Compatibility Plan (ALUCP), referenced on page 85 of the IS/Proposed ND, has been superseded by a new ALUCP adopted and later amended in 2010. The clarifying information has been included in Section 3, Errata.



May 6, 2013

Roxanne Henriquez
Environmental Planning Section
California Department of Corrections & Rehabilitation
9838 Old Placerville Road, Suite B
Sacramento, CA 95827

Reference: Proposed Negative Declaration for the
Donovan Correctional Facility

Dear Ms. Henriquez,

Thank you for the opportunity to submit formal comments on the State of
California's Initial Study and Proposed Negative Declaration for the above
referenced project.

We have reviewed the scope and caliber of the project and respectfully disagree with
the Study's conclusion that it will result in less than significant effects on the
environment.

In previous meetings with representatives from the Department of Corrections,
time and again, it has been expressed that the State wishes to be a good neighbor
with property owners in East Otay Mesa. While a full environmental impact
statement is not required of your department, an environmental assessment must
be conducted so that the State can take a *hard look* at the effects of its proposed
project in the context of its laws and its policies.

There is a mechanism and framework in existence which is used to address green
house gas, environmental mitigation, and traffic issues on every project in this
State. Yet while, the State Government is historically empowered with protecting

Roxanne Henriquez

May 6, 2013

Page 2 of 2

the environment within its jurisdictional boundaries, there is a tendency to turn a blind eye when one of its own projects is up for review.

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CONT

Nowhere does the Study of the proposed health care facility at Donovan address the accumulative impacts of green house gases and traffic impacts. Nor does the Study explore or objectively evaluate any reasonable alternatives to the proposed expansion. The Study is obligated to provide a full and fair discussion of significant environmental impacts. We don't believe the Study of April 18, 2013 accomplishes that objective.

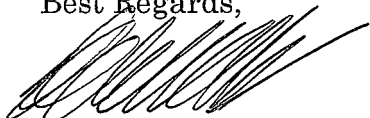
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In addition, some of the presumptions, set forth in the Study, don't even appear to justify the scope of the project. Nearly 30,000 additional square footage of health care building space is being proposed for Donovan, yet there will be only one addition to staff, and that will be a maintenance person.

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In summary, we believe your Study is deficient because it does not utilize the same criteria which is applied to property owners in the private sector. To implement an even playing field, it's important that these concerns be addressed in the project's final study.

Best Regards,



David Wick
President

Individuals

David Wick (WICK)

Response to WICK-1

The commenter suggested that CDCR did not evaluate the proposed project’s potential environmental impacts to an appropriate degree and that the proposed project would result in significant environmental impacts related to greenhouse gas emissions and traffic.

In concurrence with the California Environmental Quality Act (CEQA), and at the direction of CDCR, Michael Brandman Associates (MBA), an independent consultant, prepared an IS/Proposed ND for the proposed project to analyze any potential environmental impacts. As noted by the California Environmental Quality Act (CEQA) Guidelines Section 15064, “The determination of whether a project may have a significant effect on the environment calls for careful judgment on the part of the public agency involved, based to the extent possible on scientific and factual data The decision as to whether a project may have one or more significant effects shall be based on substantial evidence in the record of the lead agency.” MBA, under the direction of CDCR, has prepared the IS/Proposed ND and the analyses within, based on the best available scientific and factual data, as well as all substantial evidence, and has concluded that the proposed project would not result in any significant environmental impacts.

As concluded in Section 7, Greenhouse Gas Emissions, and Section 16, Transportation/Traffic of the IS/Proposed ND, the proposed project would not result in significant impacts in these resource areas. The methodology used in each of the aforementioned sections is consistent with industry standards and applicable regulations, including but not limited to the County of San Diego’s Climate Action Plan’s guidelines for determining significance related to climate change (page 74 of the IS/Proposed ND), the San Diego General Plan’s Mobility Element, and the San Diego 2050 Regional Transportation Plan (page 109 of the IS/Proposed ND). As such, the potential for significant impacts to occur as a result of the proposed project have been fully evaluated in compliance with the level of detail appropriate for the proposed project in compliance with CEQA.

Response to WICK-2

The commenter stated that the IS/Proposed ND does not address cumulative greenhouse gas and traffic impacts. The commenter further states that the IS/Proposed ND does not address alternatives to the proposed project. The commenter stated that the IS/Proposed ND does not provide a “full and fair discussion of significant environmental impacts.”

As indicated in Section 18, Mandatory Findings of Significance, on page 118 of the IS/Proposed ND, the proposed project would not cause, or result in, a cumulatively considerable contribution to any significant adverse impacts when considered in connection with the effects of past projects, current projects, or probable future projects, primarily because the incremental contributions of the HCFIP are so modest.

With regards to greenhouse gas emissions, as indicated in Section 7, Table 9 and Table 10 of the IS/Proposed ND, both the project's construction and operational greenhouse gas emissions would be significantly below the threshold and, therefore, would not be cumulatively considerable.

The proposed project's construction traffic would occur temporarily and cease once construction is completed. Furthermore, construction trips would be required take place outside of peak traffic hours. Should the circumstance arise that construction trips must occur during peak traffic hours, an alternate route (see Section 2.6, Environmental Protection Design Features, of the IS/Proposed ND) is required to ensure minimal impacts on existing roadway level of service near the project site. Only one additional employee would be required to serve the proposed project. As noted in the IS/Proposed ND, the addition of a single traffic trip to and from RJD would not result in a significant increase in traffic levels.

CDCR is considering RJD (amongst other existing CDCR institutions) as a potential site for a probable future project proposed as new Level II inmate housing. A Notice of Preparation (NOP) of an Environmental Impact Report for the Level II Infill Correction Facilities Project was released on December 19, 2012. The EIR is currently being prepared and will evaluate the potential environmental impacts associated with development of housing facilities on each of five different potential infill sites (including RJD). Other current or probable future projects near the proposed RJD HCFIP site that may cause related impacts are listed in Appendix C of the IS/Proposed ND. No other projects that could cause related impacts are proposed by CDCR, and as discussed in the IS/Proposed ND, the proposed project's impacts are so limited, they would not contribute considerably to any significant local or regional impacts. Furthermore, as explained in the IS/Proposed ND, CDCR has incorporated measures into the project such that its incremental impacts would not be cumulatively considerable (see Section 2.6, Environmental Protection Design Features). Accordingly, the incremental addition of impacts from the proposed project would be considered less than cumulatively considerable. As indicated by this information, the IS/Proposed ND has properly analyzed the proposed project's potential cumulative effects related to greenhouse gas emissions and traffic.

Concerning alternatives to the proposed project, CEQA Guidelines Section 15071 does not require that a Negative Declaration include the analysis of alternatives to a proposed project.

Refer to Response to WICK-1 regarding the adequacy of the IS/Proposed ND's discussion and analysis of environmental impacts.

Response to WICK-3

The commenter suggested that the project's requirement of only one additional employee is incongruent with the additional square footage proposed by the project. The commenter reiterated that the IS/Proposed ND's analysis of the proposed project is insufficient.

The potential need for additional staff members is carefully considered by CDCR during the design of any project. As indicated on page 17 of the IS/Proposed ND, the proposed project would remedy existing space deficiencies for the provision of medical services already provided at RJD. As such, existing staff would utilize the new and renovated spaces. Only one additional employee would be required to meet the staffing needs of the new facilities, primarily for building maintenance.

Refer to Response to WICK-1 regarding the adequacy of the IS/Proposed ND's discussion and analysis of environmental impacts.

SECTION 3: ERRATA

The following are revisions to the Initial Study and Proposed Negative Declaration (IS/Proposed ND). These revisions are minor modifications and clarifications and do not change the significance of any of the environmental issue conclusions within the IS/Proposed ND. The revisions are listed by page number. IS/Proposed ND text that is shown is indented underneath explanatory information. All additions to the text are underlined (underlined) and all deletions from the text are stricken (~~stricken~~).

3.1 - Page 5

The second paragraph on page 5 has been amended to clarify that existing inmates are not transferred from state facilities to local facilities; rather, many lower-level offenders are now being managed locally rather than by the State:

Recently, Governor Edmund G. Brown, Jr. signed Assembly Bill (AB) 109, which is one of the bills facilitating California’s “Realignment.” Realignment generally refers to the shift in the assignment of program and fiscal responsibilities between the state and local governments. In the context of CDCR, Realignment is the cornerstone of California’s solution for reducing overcrowding in the State’s prisons. Contextually, RJD is one such prison that has seen not only the population reduction benefits of Realignment (because many lower level offenders are now being managed locally rather than by the State), ~~by transferring inmates from state to local facilities~~, but also the corresponding reduction of the prison’s impacts on such environmental and infrastructure resources as water, sewer, solid waste, and energy.

3.2 - Page 85

The adoption and amendment dates of the Airport Land Use Compatibility Plan (ALUCP) for the Brown Field Municipal Airport have been updated:

The Airport Land Use Compatibility Plan (ALUCP) for Brown Field Municipal Airport was ~~originally adopted and later amended in 2010. on September 21, 1981, and was amended on January 25, 2010.~~

